

**R652. Natural Resources; Forestry, Fire and State Lands**  
**R652-123. Exemptions to Wildland Fire Suppression Fund.**

**R652-123-100. Authority.**

This rule implements Subsection 65A-8-6.4(1) which authorizes the Division of Forestry, Fire and State Lands to make rules to administer the Wildland Fire Suppression Fund, including rules to determine whether an acres or real property is eligible for the exemption provided in Subsection 65A-8-6.2(2)(b).

**R652-123-200. Definitions.**

1. "Accessible" - an area is considered accessible if the roads are paved, and are 20 feet wide, and has a overhead clearance of 13 1/2 feet and has a maximum slope of 10%. A Type I fire engine, as defined in this rule, must be able to access and negotiate the roads and work safely throughout the entire area.
2. "Hydrant system" - A water distribution system consisting of pipes, hydrants, and pumps used for fire suppression, with the following specifications:
  - a. A six inch supply feed
  - b. A capacity of delivering 1000 gallons per minutes at 20 pounds per square inch for two hours at each hydrant. Flow will be verified with flow test documentation.
  - c. Maximum hydrant spacing is no greater than 500 lineal feet.
3. "Fire Barrier" - continuous, delineated, unbroken separation of land between the wildland and the nominated area, clear of wildland vegetation where wildland fire will not carry, and that is a permanent, definable, and substantial separation. Such barriers can include but is not limited to irrigated golf courses, lakes, highways, rivers and others deemed adequate by the Division.
4. "Predominant Vegetation" - type of vegetation that provides the majority of plant cover in an area such as woody shrubs, grass, trees.
5. "Type I fire engine" - A vehicle used for fire suppression that meets National Fire Protection Association (NFPA) 1901 Standard for Automotive Fire Apparatus.
6. "Urban Vegetation" - vegetation that is managed, maintained, and irrigated in a manner that will not allow for the propagation and spread of a fire over the landscape during anytime of the year.
7. "Wildland" - an area in which development is essentially non-existent, except for roads, railroads, power lines, and similar transportation facilities. Structures, if any, are widely scattered.
8. "Wildland Vegetation" - naturally occurring vegetation that is not managed, maintained and irrigated or vegetation that when cured (low live foliar moisture content), may be capable of carrying fire over the landscape.
9. "Wildland Urban Interface" -A geographical area where structures and other human development meets or intermingles with undeveloped wildland.

**R652-123-300. Nomination of Exempt Areas.**

For the covered year of 2007, a county may request that an area be exempt from its assessed payment into the Wildland Fire Suppression Fund by petitioning the Division on a Division approved form (Petition for Area Exemption) by September 1, 2006. For all subsequent years, the county's petition must be filed by July 1 of the year prior to the March 15 payment date. The petition shall include:

- a. A description of the area including:
  - i. an ortho-photo quad of the area to be considered
  - ii. A topographic map of the area to be considered
- b. An explanation with supporting documentation indicating the area meets the criteria to be exempt, with fuels, response time, access, and water availability addressed.
- c. Detailed documentation of the taxable value of real property in the area to be exempt.
- d. A signature of a county commissioner.

**R652-123-400. Qualifying and Evaluating Exempt Areas.**

1. The Division shall check for completeness of the Petition for Area Exemptions and acknowledge the receipt of the petition by date stamp.

2. The Division shall inspect the area in the petition and evaluate the nomination using the following criteria:
  - a. The area must be in the unincorporated area of the county, and
  - b. The predominant vegetation in the area is considered urban vegetation or if the predominant vegetation is wildland vegetation, there exists a fire barrier as defined in this rule between the nominated area and the wildlands, and
  - c. The response time of the local fire department having jurisdiction is fifteen minutes or less, and
  - d. The area is accessible as defined in this rule throughout the entire area such that a Type I fire engine can maneuver and work safely anywhere in the nominated area, and
  - e. The area is serviced by a hydrant system as defined in this rule.

**R652-123-500. Notification of Exempt Areas.**

1. The Division will make a final determination of exempt areas.
2. For all requests made by September 1, 2006 for the following year, the Division will notify the county commission by November 30, 2006 of those areas that were determined to be exempt, and which areas were determined to be non-exempt. For all subsequent years, the Division will give such notification by September 30.
3. The county may appeal the decision as defined in R652-8 Adjudicative Proceedings.
4. County expenditures for fire suppression that occur within areas that have been designated as exempt, are not considered Normal Fire Suppressions Costs as defined in R652-121-200(2) and will not be calculated as part of the county's approved fire suppression budget.

**R652-123-600. Reporting.**

Counties shall provide an annual report to the Division by March first listing:

- a. A detailed listing of the taxable value of real property (land and buildings) in the exempt area of the county,
- b. The total acreage of unincorporated land and the total exempt acreage of unincorporated land.
- c. Any annexations of unincorporated lands by a town or city
- d. County expenditures for fire suppression that occur within areas that have been approved by the Division as exempt
- e. Existing exemptions from previous years

KEY: exemptions to wildland fire suppression fund, administrative procedures

Date of Enactment or Last Substantive Amendment: 2006

Authorizing, and Implemented or Interpreted Law: 65A-8-6.4(1); 65A-8-6.2(2)(b)